

ORIGINAL

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

PM

DEPUTY

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BRUCE C. SMITH  
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Attorneys for Plaintiff  
United States of America

## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Civil No.

Plaintiff,

VERIFIED COMPLAINT  
FOR FORFEITURE

v.

SIGNED PERSONAL CHECK NO.730  
OF YUBRAN S MESLE, DRAWN  
FROM BANK OF AMERICA ACCOUNT  
NO. 09672 67676 IN THE  
AMOUNT OF \$240,000.00 IN  
U.S. CURRENCY;

SIGNED PERSONAL CHECK NO.1004  
OF YUBRAN S MESLE, DRAWN  
FROM WELLS FARGO BANK ACCOUNT  
NO. 3572585739 IN THE AMOUNT  
OF \$5,000.00 IN U.S. CURRENCY;

SIGNED PERSONAL CHECK NO.1040  
OF YUBRAN S MESLE, DRAWN  
FROM BANK OF AMERICA ACCOUNT  
NO. 24547 67190, NO AMOUNT  
STATED;

\$197,031.14 IN U.S. CURRENCY  
SEIZED FROM BANK OF AMERICA  
ACCOUNT NO. 09672 67676 ON  
FEBRUARY 22,2008;

\$1,598.21 IN U.S. CURRENCY  
SEIZED FROM WELLS FARGO BANK  
ACCOUNT NO. 3572585739 ON  
FEBRUARY 22,2008.

Defendants..

08 CV 0394 WQH CAB

CP

1 Plaintiff, the United States of America, by and through its  
2 counsel, Karen P. Hewitt, United States Attorney and Bruce C.  
3 Smith, Assistant U.S. Attorney, brings this verified complaint and  
4 alleges as follows against Defendants:

5 a.) SIGNED PERSONAL CHECK NO. 730 OF YUBRAN S. MESLE, DRAWN  
6 FROM BANK OF AMERICA ACCOUNT NO. 09672 67676 IN THE AMOUNT OF  
7 \$240,000.00 IN U.S. CURRENCY;

8 b.) SIGNED PERSONAL CHECK NO. 1004 OF YUBRAN S. MESLE, DRAWN  
9 FROM WELLS FARGO BANK ACCOUNT NO. 3572585739 IN THE AMOUNT OF  
10 \$5,000.00 IN U.S. CURRENCY;

11 c.) SIGNED PERSONAL CHECK NO. 1040 OF YUBRAN S MESLE, DRAWN  
12 FROM BANK OF AMERICA ACCOUNT NO. 24547 67190, NO AMOUNT STATED  
13 (the checks may hereinafter be referred to as the "defendant  
14 monetary instruments"),

15 d.) \$197,031.14 IN U.S. CURRENCY SEIZED FROM BANK OF AMERICA  
16 ACCOUNT NO. 09672 67676, ON FEBRUARY 22, 2008; and

17 e.) \$1,598.21 IN U.S. CURRENCY SEIZED FROM WELLS FARGO BANK  
18 ACCOUNT NO. 357258739, ON FEBRUARY 22, 2008 (hereinafter  
19 collectively referred to as "defendant currency"), in accordance  
20 with Supplemental Rule G(2) of the Federal Rules of Civil  
21 Procedure as follows:

22 Jurisdiction and Venue

23 1. This Court has jurisdiction over this action by virtue  
24 of the provisions of Title 28, United States Code, Section  
25 1355(b)(1), because the acts and omissions giving rise to the  
26 forfeitures occurred in this district.

27 ///

28 ///

1           2.     Venue is proper in this district pursuant to Title 28,  
2     United States Code, Section 1395(b) because the defendant monetary  
3     instruments were found in this district.

4                     Facts

5           3.     On November 8, 2007, Ata Z. Dighlawi (hereinafter  
6     referred to as "Dighlawi") entered the United States from Mexico  
7     at the Port of Entry, San Ysidro, California driving a 2007 GMC  
8     Silverado pick-up truck, bearing California license plates. He  
9     was accompanied by a single passenger, Ahmad Ayesh (hereinafter  
10    referred to as "Ayesh"). Dighlawi and Ayesh were greeted at the  
11    primary vehicle inspection booth by Customs and Border Protection  
12    ("CBP") Officer Cayas. Dighlawi presented his California driver's  
13    license. Both men declared themselves United States citizens.  
14    When asked, Dighlawi declared he was bringing nothing from Mexico.  
15    Officer Cayas repeated his inquiry. Dighlawi again insisted he  
16    was bringing nothing into this country from Mexico. Meanwhile,  
17    Officer Cayas queried Dighlawi's name in a CBP computer database.  
18    The officer received a positive response from the computer system,  
19    indicating Dighlawi had a criminal history involving fraud. The  
20    two travelers were referred to the vehicle secondary lot for a  
21    more thorough inspection.

22           4.     Upon the arrival of Dighlawi and Ayesh in the secondary  
23    lot, responsibility for their inspection was assumed by CBP  
24    Officer Richardson. The officer entered the GMC Silverado truck  
25    and opened the center console located between the driver and front  
26    passenger seat. He discovered a grey plastic bag containing  
27    approximately 29 credit cards. A quick examination of the credit  
28    cards revealed they were issued by an assortment of credit card

1 companies. The cards bore a variety of account numbers, and were  
2 issued in the names of persons other than the occupants of the  
3 vehicle.

4 5. Also discovered in the center console were the three  
5 defendant monetary instruments. All three defendant monetary  
6 instruments were personal checks in the name of "Yubran S. Mesle."  
7 Each was drawn on a different bank account. The first defendant  
8 monetary instrument is check number 730, drawn on Bank of America  
9 account 09672 67676. The check is dated November 28, 2007. The  
10 payee line is blank. The check is made payable in the amount of  
11 two hundred forty thousand dollars (\$240,000.00) in U.S. currency.  
12 The payor's signature appears on the line at the bottom right of  
13 the instrument. The second defendant monetary instrument is check  
14 number 1004, drawn on Wells Fargo Bank account 3572585739. The  
15 check is dated November 10, 2007. The payee line is blank. The  
16 check is made payable in the amount of five thousand dollars  
17 (\$5,000.00) in U.S. currency. The payor's signature appears on the  
18 line at the bottom right of the instrument. The third defendant  
19 monetary instrument is check number 1040, drawn on Bank of America  
20 account 24547 67190. The check is undated. The payee line is  
21 blank. The portion of the check specifying the amount to be paid  
22 is blank. The payor's signature appears on the line at the bottom  
23 right of the instrument.

24 6. Dighlawi was advised of his Fifth Amendment rights  
25 pursuant to Miranda v. Arizona by an Immigration and Customs  
26 Enforcement (hereinafter referred to as "ICE") agent. He  
27 acknowledged his rights, waived them, and agreed to discuss with  
28 the agent the circumstances surrounding his possession of the

1 three monetary instruments. Dighlawi explained that on an  
2 unspecified date he loaned money to Yubran S. Mesle (hereinafter  
3 referred to as "Mesle"), the payor on all three defendant monetary  
4 instruments. Mesle presented the defendant check number 730,  
5 payable in the amount of \$240,000.00 in United States currency, to  
6 Dighlawi with instructions to cash it at the end of the month.  
7 Mesle also delivered the defendant monetary instrument, check  
8 number 1004, payable in the amount of \$5,000.00 in United States  
9 currency to Dighlawi with instructions to cash it on Saturday  
10 November 10, 2007 or Monday November 12, 2007.

11 7. Dighlawi was advised that his knowing and intentional  
12 failure to file a report revealing his possession of the three  
13 monetary instruments of more than \$10,000.00 upon entering the  
14 United States from Mexico constituted a violation of Title 31,  
15 United States Code, Sections 5316(a)(1)(B) and 5324(c)(1), failure  
16 to file reports on importing monetary instruments. The three  
17 defendant monetary instruments were seized at the port of entry.  
18 Dighlawi and Ayesh were permitted to continue on their journey.

19 8. The three defendant monetary instruments were undeclared  
20 as they were transported by Dighlawi into the United States from  
21 Mexico. As such, they constitute monetary instruments involved in  
22 the undeclared importation of monetary instruments greater than  
23 \$10,000.00, a violation of Title 31, United States Code,  
24 Sections 5316(a)(1)(A) and 5324(c)(1).

25 9. Further, as a result of the foregoing the funds on  
26 deposit in the two defendant bank accounts up to the dollar amount  
27 face value of the respective monetary instruments, are subject to  
28 forfeiture to the United States pursuant to Title 31,

1 United States Code, Section 5317(c)(2) as property involved in or  
2 property traceable to property involved in the November 8, 2007  
3 violations of Title 31 United States Code, Sections 5316(a)(1)(A)  
4 and 5324(c)(1).

5 10. On February 21, 2008, a U.S. Magistrate Judge issued  
6 two seizure warrants ordering the seizure of the funds on deposit  
7 in two bank accounts. The first warrant ordered the seizure of  
8 funds up to the amount of \$240,000.00 in U.S. currency on deposit  
9 in Bank of America Account No. 09672 67676, the account on which  
10 defendant check No. 730 was drawn. The second warrant ordered the  
11 seizure of funds up to the amount of \$5,000.00 in U.S. currency on  
12 deposit in Wells Fargo Bank Account No. 3572585739, the account on  
13 which defendant check No. 1004 was drawn.

14 11. On or about February 22, 2008, acting on authority of  
15 the seizure warrants, ICE agents seized \$197,031.14 in U.S.  
16 Currency from Bank of America Account No. 09672 67676, and  
17 \$1,598.21 in U.S. Currency from Wells Fargo Bank Account  
18 No. 3572585739. The funds seized were those on deposit in the two  
19 defendant bank accounts.

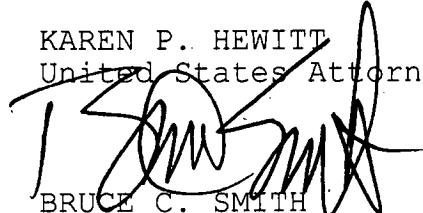
20 12. The three defendant monetary instruments, and  
21 \$197,031.14 in U.S. Currency seized from Bank of America Account  
22 No. 09672 67676, and \$1,598.21 in U.S. Currency seized from Wells  
23 Fargo Bank Account No. 3572585739 are presently stored or  
24 deposited within the jurisdiction of this Court.

25 WHEREFORE, the United States prays that due process issue to  
26 enforce the forfeiture of the defendant monetary instruments, and  
27 \$197,031.14 in U.S. Currency seized from Bank of America Account  
28 No. 09672 67676, and \$1,598.21 in U.S. Currency seized from Wells

1 Fargo Bank Account No. 3572585739, and that due notice be given to  
2 all interested parties to appear and show cause why said  
3 forfeiture should not be declared.

4 DATED: March 3, 2008.

5 KAREN P. HEWITT  
United States Attorney

6   
7 BRUCE C. SMITH  
8 Assistant U.S. Attorney  
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**VERIFICATION**

I, Lisa Tracy, state and declare as follows:

1. I am a Senior Special Agent with Immigration and Customs Enforcement and am the case agent assigned to this investigation.

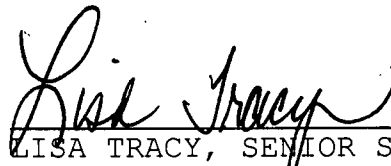
2. I have read the foregoing complaint and know its contents.

3. The facts set forth in the complaint are based upon my own knowledge or were facts furnished to me by official Government sources.

Based on this information, I believe the allegations in the complaint to be true.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed on March 3, 2008



LISA TRACY, SENIOR SPECIAL AGENT  
IMMIGRATION & CUSTOMS ENFORCEMENT



JS44

(Rev. 07/89)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

San Diego

## DEFENDANTS

SIGNED PERSONAL CHECK NO. 730  
OF YUBRAN S MESLE, DRAWN  
FROM BANK OF AMERICA ACCOUNT  
NO. 09672 67676, ET AL. U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MAR -3 AM 9:50

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

Defendant  
DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

BRUCE C. SMITH, U.S. Attorney's Office  
880 FRONT STREET, RM 6293  
SAN DIEGO, CA 92101-8893  
(619) 557-6963

## ATTORNEYS (IF KNOWN)

'08 CV 0394 WQH CAB

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

☒ 1 U.S. Government Plaintiff

☐ 3 Federal Question  
(U.S. Government Not a Party)

☐ 2 U.S. Government

☐ 4 Diversity (Indicate  
Citizenship of Parties in Item  
III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 5317(C) (2)

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 315 Airplane Product	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 320 Assault, Libel &	<input type="checkbox"/> 625 Drug Related	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce/ICC
<input type="checkbox"/> 150 Recovery of Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Veterans Benefits	<input type="checkbox"/> 355 Motor Vehicle Liability	<input checked="" type="checkbox"/> 690 Other LABOR	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal	<input type="checkbox"/> 710 Fair Labor Standards	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product	<input type="checkbox"/> 368 Asbestos Personal Product Liability	<input type="checkbox"/> 730 Labor/Mgmt. Disclosure Act	<input type="checkbox"/> 870 Taxes (U.S. or Defendant)	<input type="checkbox"/> 892 Economic
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 790 Other Labor		<input type="checkbox"/> 894 Energy Allocation
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 895 Freedom of
<input type="checkbox"/> 230 Rent Lease &	<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 900 Appeal of Fee Under Equal Access to
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 390 Prisoner Petitions			<input type="checkbox"/> 950 Constitutionality of
<input type="checkbox"/> 245 Tort Product	<input type="checkbox"/> 441 Voting			<input type="checkbox"/> 890 Other Statutory
<input type="checkbox"/> 290 All Other Real	<input type="checkbox"/> 442 Employment			
	<input type="checkbox"/> 443			
	<input type="checkbox"/> 444 Welfare			
	<input type="checkbox"/> 440 Other Civil Rights			
	<input type="checkbox"/> 510 Motions to Vacate Habeas Corpus			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prisoner Conditions			

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding  
☐ 2 Removal from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

## VIII. RELATED CASE(S) IF ANY (See

JUDGE

Docket Number

DATE March 3, 2008

SIGNATURE OF ATTORNEY RECORD